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April 15, 1999      LB 319, 835

Senator Bromm's amendment.

PRESIDENT MAURSTAD:      The amendment is adopted.      Since we are near the appointed time, it is 12:30, we'll move to the consent calendar, as described by the agenda.      Mr. Clerk.

CLERK:      Mr. President, first bill on consent calendar, LB 319, no E & Rs.      Senator Brashear, I have AM1290 in front of me, Senator.      (AM1290, Legislative Journal page 1490.)

PRESIDENT MAURSTAD:      Senator Brashear, you're recognized to open on your amendment.

SENATOR BRASHEAR:      Mr. President, members of the body, amendment AM1290 to LB 319 adds three additional requirements for persons or entities who desire to act as private process servers. To any of you who were compelled to suffer phone calls at hours later in the evening than you wanted to, and I particularly know that the distinguished Chair of the Committee on Committees was called at something like 11:00 p.m, I make apology. The amendment which we are proposing will eliminate the problem about which you were all called. We are, like the great majority of states in this country, in LB 319 going to allow for private service of process. The rates are controlled, as I told you before on General File. This will particularly be of benefit in Greater Nebraska where there is some difficulty sometimes achieving service of process in accordance with need and requirement. But what we do with AM1290 is to restrict service of process by third parties as I call it, by other than constables, so it does not apply...private service of process does not apply in Lincoln, in Lancaster County, Douglas County or Sarpy County because they have...in Douglas and Lancaster County, we have a established constable relationships governed by statute and the amendment simply allows those to remain in place. We do provide the ability of any individual initiating an action to have any constable serve, but I don't regard that as a substantive change. I would urge the adoption of the amendment because we eliminate any opposition that has been expressed to this so we are accommodating the needs of those who need private service of process and we are not upsetting established methodologies in our two major counties. I would urge the adoption of AM1290. Thank you.